

## House Bill 292

By: Representatives Teper of the 61<sup>st</sup>, Smith of the 12<sup>th</sup>, Jenkins of the 110<sup>th</sup> and Snow of the 2<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to searches with warrants, so as to provide that a judge of any court in this state  
3 authorized to issue search warrants pursuant to Code Section 17-5-21 may, as an alternative  
4 to other laws relating to the issuance of search warrants, conduct such applications for the  
5 issuance of search warrants by video conference; to provide that search warrant applications  
6 heard by video conference shall be conducted in a manner to ensure that the judge  
7 conducting the hearing has visual and audible contact with all affiants and witnesses giving  
8 testimony; to provide that the affiant participating in a search warrant application by video  
9 conference shall sign the affidavit for a search warrant and any related documents by any  
10 reasonable means which identifies the affiant, including, but not limited to, his or her  
11 typewritten name, signature affixed by electronic stylus, or any other reasonable means  
12 which identifies the person signing the affidavit and any related documents; to provide that  
13 the judge participating in a search warrant application by video conference shall sign the  
14 affidavit for a search warrant, the search warrant, and any related documents by any  
15 reasonable means which identifies the judge, including, but not limited to, his or her  
16 typewritten name, signature affixed by electronic stylus, or any other reasonable means  
17 which identifies the judicial officer signing the affidavit and warrant and any related  
18 documents; to provide that such applications shall be deemed to be written within the  
19 meaning of Code Section 17-5-21; to provide that such authorization shall be deemed to  
20 comply with the issuance requirements provided for in Code Section 17-5-22; to provide that  
21 a judge hearing matters pursuant to this Act shall administer an oath to any person testifying  
22 by means of a video conference; to provide that a video recording of the application hearing  
23 and any documents submitted in conjunction with the application shall be maintained as part  
24 of the record; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to searches with warrants, is amended by adding between Code Sections 17-5-21 and 17-5-22 a new Code Section 17-5-21.1 to read as follows:

"17-5-21.1.

(a) A judge of any court in this state authorized to issue search warrants pursuant to Code Section 17-5-21 may, as an alternative to other laws relating to the issuance of search warrants, conduct such applications for the issuance of search warrants by video conference.

(b) Search warrant applications heard by video conference shall be conducted in a manner to ensure that the judge conducting the hearing has visual and audible contact with all affiants and witnesses giving testimony.

(c) The affiant participating in a search warrant application by video conference shall sign the affidavit for a search warrant and any related documents by any reasonable means which identifies the affiant, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the person signing the affidavit and any related documents. The judge participating in a search warrant application by video conference shall sign the affidavit for a search warrant, the search warrant, and any related documents by any reasonable means which identifies the judge, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the judicial officer signing the affidavit and warrant and any related documents. Such applications shall be deemed to be written within the meaning of Code Section 17-5-21. Such authorization shall be deemed to comply with the issuance requirements provided for in Code Section 17-5-22.

(d) A judge hearing matters pursuant to this Code section shall administer an oath to any person testifying by means of a video conference.

(e) A video recording of the application hearing and any documents submitted in conjunction with the application shall be maintained as part of the record."

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.